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Attorneys for Plaintiff GLENN FAGERLIN
and the S/V PERCEPTION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In the Matter of the Complaint of GLENN
FAGERLIN, an individual, as owner of the
Sailing Vessel PERCEPTION, a 45-Foot
Wauquiez/Kronos Catamaran, for Exoneration
from or Limitation of Liability

IN ADMIRALTY

Case No.: C:08-5225 SI

**STIPULATED EX PARTE
APPLICATION & [PROPOSED]
ORDER FOR LEAVE TO WITHDRAW
SUM FROM TRUST IN
SATISFACTION OF SETTLEMENT
WITH CLAIMANT**

Action Filed: November 19, 2008
Trial Date: June 14, 2010

WHEREAS, this is an action in admiralty by a vessel owner, Glenn Fagerlin ("Fagerlin")
for exoneration from or limitation of liability for a collision between two boats, Fagerlin's S/V
PERCEPTION and James Cox's M/V TOUCH OF GREY;

WHEREAS, on or about December 31, 2008, Fagerlin caused \$140,000, an amount equal
to his interest in the PERCEPTION, to be deposited in a trust that he caused to be created called
the "In re PERCEPTION Litigation Claimants Trust Fund," a trust account in the Borel Private
Bank & Trust Company, administered by Severson & Werson, A Professional Corporation;

WHEREAS, on or about October 29, 2009, Fagerlin settled the claim of Eric Archuleta
("Archuleta") for the amount of \$6,000; and

1 WHEREAS, all parties by and through their counsel of record have stipulated and hereby
2 stipulate that Fagerlin should be given leave to withdraw \$6,000 from the In re PERCEPTION
3 Litigation Claimants Trust Fund so that he may pay the same amount to Archuleta pursuant to
4 their settlement;

5 Fagerlin hereby requests that the court grant him leave to withdraw \$6,000 from the In re
6 PERCEPTION Litigation Claimants Trust Fund, so that he may satisfy the settlement agreement
7 with Archuleta.

8 IT IS SO STIPULATED.

SEVERSON & WERSON
A Professional Corporation

9 DATED: November 30, 2009

By: /s/ Ryan C. Donlon _____
Ryan C. Donlon

11 Attorneys for GLENN FAGERLIN and the S/V
12 PERCEPTION

13 IT IS SO STIPULATED.

CAMMARANO & SIRNA, LLP

14 DATED: November 29, 2009

By: /s/ Dennis Cammarano _____
Dennis Cammarano

16 Attorneys for JAMES COX and ST. PAUL
17 TRAVELERS

18 IT IS SO STIPULATED.

LAW OFFICE OF DAVID ASCH

19 DATED: November 29, 2009

By: /s/ David A. Asch _____
David A. Asch

20 Attorneys for ERIC ARCHULETA

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 DATED: _____, 2009

United States District Court,
Northern District of California

24 By:  _____
25 Honorable Susan Illston, Judge

CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of San Francisco, California; my business address is Severson & Werson, One Embarcadero Center, Suite 2600, San Francisco, CA 94111.

On the date below I served a copy, with all exhibits, of the following document(s):

STIPULATED EX PARTE APPLICATION & [PROPOSED] ORDER FOR LEAVE TO WITHDRAW SUM FROM TRUST IN SATISFACTION OF SETTLEMENT WITH CLAIMANT

on all interested parties in said case addressed as follows:

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Attorney for Claimant and Cross-Claimant ERIC ARCHULETA

☐ **(BY MAIL)** By placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in San Francisco, California in sealed envelopes with postage fully prepaid.

☐ **(BY HAND)** By placing the documents in an envelope or package addressed to the persons listed above and providing them to a professional messenger service for delivery.

☐ **(BY FEDERAL EXPRESS)** By depositing copies of the above documents in a box or other facility regularly maintained by Federal Express with delivery fees paid or provided for.

☐ **(BY EXPRESS MAIL)** By placing the above documents in the United States mail for Express Mail delivery at One Embarcadero Center, Suite 2600, San Francisco, CA 94111, in a sealed envelope addressed as above, with Express Mail postage thereon fully prepaid.


☐ **(BY FAX)** By use of facsimile machine telephone number (415) 956-0439, I faxed a true copy to the addressee(s) listed above at the facsimile number(s) noted after the party's address. The transmission was reported as complete and without error.

☒ **(BY ELECTRONIC SERVICE)** Pursuant to CM/ECF System, registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The

1 Court's CM/ECF system sends an e-mail notification of the filing to the parties and counsel of
2 record listed above who are registered with the Court's EC/ECF system.

3 ☐ **(BY ELECTRONIC TRANSMISSION)** By sending a file of the above documents(s) via
4 electronic transmission (e-mail) at _____ am./pm. using e-mail address
5 (dhd@severson.com) to the e-mail address designed for each party identified above. I did not
6 receive, within a reasonable time after the transmission, any electronic message or other
7 indication that the transmission was unsuccessful.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of
10 this Court at whose direction the service was made. This declaration is executed in
11 San Francisco, California, on November 30, 2009.

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D. Helen Davis